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18
19 **UNITED STATES DISTRICT COURT**
20
21 **NORTHERN DISTRICT OF CALIFORNIA**

22
23 Brent Maness, individually and on behalf
24 of others similarly situated,

25 Plaintiff,

26 v.

27 Expedia, Inc., et al.,

28 Defendants.

29 Civil Case 4:12-cv-05220-DMR

30 **CLASS ACTION**

31 **STIPULATION**

32
33 WHEREAS, Plaintiffs filed the Complaint in this litigation on October 9, 2012;
34 WHEREAS, all of the Defendants have agreed to waive service of the Complaint;
35 WHEREAS, a number of substantially similar complaints have been filed nationwide;
36 WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed
37 before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate
38 all of the actions in one court;

1 WHEREAS, the JPML has scheduled the MDL Motion for a hearing on November 29,
2 2012, and the parties expect that the JPML will issue a decision on the motion within a few
3 weeks after the hearing;¹

4 WHEREAS, Plaintiffs and Defendants Expedia, Inc., Hotels.com LP, Travelocity.com
5 LP, Sabre Holdings Corporation, Priceline.com Incorporated, Booking.com (USA), Inc.,
6 Booking.com B.V., Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts
7 Worldwide, Inc., Marriott International, Inc., Trump International Hotels Management, LLC,
8 Kimpton Hotel & Restaurant Group, LLC, and InterContinental Hotels Group Resources, Inc.
9 (collectively “Defendants”) expect that all of the actions will be coordinated and/or consolidated
10 before one court;

11 WHEREAS, Plaintiffs and Defendants wish to preserve the parties’ and the Court’s
12 resources and efficiently manage the litigation so as not to cause prejudice;

13 NOW THEREFORE, the parties agree as follows:

14 1. Defendants will not be required to answer or otherwise plead in response to the
15 Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. §
16 1407. If this Court is the transferee court, Defendants’ time to answer or otherwise plead will be
17 extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file
18 their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the
19 Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer
20 within seven (7) days of the JPML’s order regarding the due date for responsive pleadings in this
21 action. No discovery shall be served in the above-captioned matter while this stipulation is in
22 effect;

23 2. In the event that Defendants voluntarily file or are ordered to file a responsive
24 pleading in any other related action prior to the JPML’s decision, Defendants agree that this
25 stipulation will become void and in that event, all of the parties agree to negotiate in good faith

27 28 ¹ John G. Heyburn II, *A View from the Panel: Part of the Solution*, 82 Tul. L. Rev. 2225, 2242
n.88 (2007-08) (then-Chair of the JPML: “[u]sually within two weeks of oral argument, the
Chair has finalized and approved each written opinion pertaining to that session”).

1 regarding a responsive pleading date.
2

3 3. If this Court is the transferee court, Defendants agree that they will engage in a
4 conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead
5 counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407
6 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P.
7 26(f) with Plaintiffs within 14 days of the denial of the motion.

8 DATED: October 31, 2012
9

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37 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

38 Dated: Nov. 6, 2012



39 THE HONORABLE DONNA M. RYU
40 United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2012, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system. I also emailed this document to all parties who's emails are indicated on this Stipulation, above.

/s/ *David E Bower*

David E. Bower

Mailing Information for a Case 4:12-cv-05220-DMR

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **David Eldridge Bower**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)